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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/816,507	03/23/2001	Anthony Frank Menninger	41556/04096 (RS11P057)	6292
22428	7590	04/15/2004	EXAMINER	
FOLEY AND LARDNER SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			VIG, NARESH	
			ART UNIT	PAPER NUMBER
			3629	

DATE MAILED: 04/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/816,507

Applicant(s)

MENNINGER ET AL.

Examiner

Naresh Vig

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MW

-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 6 - 7, 12 - 13 and 18 - 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 6 - 7, 12 - 13 and 18 - 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 15, 16.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

This is in reference to the response received by the office on 09 September 2003 to the office action mailed on 09 April 2003. Amendment to claims 1, 7 and 13, and, addition of new claims 19 - 21 are acknowledged and considered. There are 9 claims 1, 6 - 7, 12 - 13 and 18 - 21 pending for examination.

Claim Objections

Claim 21 is objected to because of the following informalities: Claim 21 recites a program claim which is dependent on claim 1. Claim 1 is a method claim. Examiner reads claim 21 dependent on claim 13. Appropriate correction is required.

Response to Arguments

In response to applicant's argument that the cited reference do not teach "independent supply chain management that cannot mandate store-distributor

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relationship for a plurality of stores in the supply chain. However, this newly added limitation is answered in the rejection below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 6 – 7, 12 – 13 and 18 are rejected under 35 USC § 103(a) as being unpatentable over Salvo et al. US Patent 6,341,271 hereinafter known as Salvo in view of DealTime International "www.dealtime.com" hereinafter known as DealTime and Rosenberg et al. US Patent 6,418,416 hereinafter known as Rosenberg.

Regarding claims 1, 7 and 13, Salvo discloses an inventory management system which automatically monitors inventory amounts, provides information concerning inventory, and decides if an order for replacement inventory should be placed. The system includes a storage for inventory, an indicator for monitoring and reporting the level of current inventory, and a controller for receiving information from different inventory suppliers and for integrating such information with information on current

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inventory amounts and estimated future use to decide if an order for replacing inventory should be made. A method using this system for managing inventory includes the steps of automatic gathering information about the current inventory and deciding whether and when replacement inventory should be ordered [abstract].

Salvo discloses at least one storage receptacle (stores, part of the supply chain) that stores inventory; at least one amount indicator that determines an inventory amount in each receptacle, each amount indicator generating inventory amount signals representative of inventory amounts in the receptacle [col. 2, lines 59 – 64].

Salvo system and method comprises the steps of determining an inventory amount in each receptacle (collecting data from plurality of stores) and analyzing inventory amount signals [col. 3, lines 8 – 22]. It would have been obvious to a person with ordinary skill in the art that the current inventory is more recent than the previous inventory.

The signals transmitted in the inventory management system 100 are typically sent over hardwired connections, for example cables, connectors, dedicated phone lines, fiber-optic lines, and similar hardwired connections. Alternatively, the signals may be sent by wireless connections, including but not limited to, wired and wireless Ethernet signals, radio signals, short-wave signals, wired and wireless internet and web signals, and other wireless connections. Signals are sent from and received by the control unit 114 [col. 5, lines 11 – 20].

Salvo discloses an indicator for monitoring and reporting the level of current inventory, and a controller for receiving information from different inventory suppliers

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and for integrating such information with information on current inventory amounts and estimated future use to decide if an order for replacing inventory should be made. An order is placed automatically to a supplier and the progress for the delivery of replacement inventory is automatically monitored. Official notice it taken that it would have been obvious to one of ordinary skill in the art at the time the invention was made that it would have been obvious to a person with ordinary skill in the art that when the inventory is replenished in the receptacle, updated inventory level is automatically relayed to the control unit. Salvo does not disclose current information compared to the previous information. However, it is a business choice to decide whether to monitor inventory in real time, or, monitor the inventory at periodic intervals. Also, it is a business choice to elect how to wants to charge its receptacles (stores) for the depleted inventory. For example, a franchisor may decide to charge its franchisee purchase all the raw material from the franchisor (franchisor may elect not to compare old information with new information) whereas, the franchisor may elect to charge franchise fee based upon volume (franchisor may elect to compare new information with old information to determine franchise fee). Therefore, it is known at the time of invention t a person with ordinary skill in the art to compare old information with the new information to determine the amount of usage, usage rate, etc.

Salvo does not disclose registration of suppliers etc. Rosenberg discloses system and method of dispensing items in a controlled manner, re-ordering the dispensed articles or items, and providing inventory and other information about the items and users in the system [abstract]. The user enters an identification string that

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uniquely identifies the user and his or her access rights. The controller verifies the user's identification string and allows access to the enclosure when the user is authorized. It would have been obvious to a person with ordinary skill in the art the users are registered users. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Salvo as taught by Rosenberg to make the system a secure system.

Salvo in view of Rosenberg does not disclose SCM cannot mandate store-distributor relationships for a plurality of stores in the supply chain. However, DealTime discloses system and method which allows customers to purchase products online over the internet. DealTime discloses to register suppliers [page 3]. DealTime does not disclose to mandate store-distributor relationship, and, DealTime discloses to have capability to track E-Commerce sites [page 2]. Therefore, it is known at the time of invention to a person with ordinary skill in the art to implement registration to secure the system. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Salvo in view of Rosenberg as taught by DealTime to have the information from plurality distributors to help the buyer get the best deal.

Salvo does not disclose data storage. However, Rosenberg discloses to have database [Fig. 1]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Salvo as taught by Rosenberg to use data storage to store information in the system for later retrieval and use.

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Salvo in view of Rosenberg does not disclose to store registration information. However, Rosenberg discloses to store distributor information [clo. 5, lines 28 – 37]. DealTime discloses to register affiliates and members. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Salvo in view of Rosenberg as taught by DealTime to store information of its affiliates and merchants.

Regarding claim 6, 12 and 18, Salvo discloses that the signals transmitted in the inventory management system 100 are typically sent over hardwired connections, for example cables, connectors, dedicated phone lines, fiber-optic lines, and similar hardwired connections. Alternatively, the signals may be sent by wireless connections, including but not limited to, wired and wireless Ethernet signals, radio signals, short-wave signals, wired and wireless internet and web signals, and other wireless connections. Signals are sent from and received by the control unit 114 [col. 5, lines 11 – 20].

Regarding claims 19 – 21, Salvo discloses generating an order of goods to the updated distributor in the registration information [abstract].

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is 703.305.3372. The examiner can normally be reached on M-F 7:30 - 5:00 (Alt Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 703.308.2702. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.


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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.305.3900.

Naresh Vig
January 22, 2004



JOHN G. WEISS
SUPERVISOR / PATENT EXAMINER
TECHNOLOGY CENTER 3600